

Request for preliminary adoption of amendments to 312 IAC 9-2-3 that govern the sale of parts of wild turkeys and amendments to 312 IAC 9-4-11 that govern the taking of wild turkeys; Administrative Cause No. 08-122D

The changes to 312 IAC 9-2-3 will allow individuals, including licensed taxidermists, to sell the heads, feet and skin of wild turkeys. The Association of Indiana Taxidermists requested the change to allow taxidermists to purchase the heads of wild turkeys to use for specimens that they are mounting for customers. Sometimes customers only want the beard, fan and spurs of a wild turkey mounted, so the head, body and wings are wasted and disposed of. Another customer will want a full body mount but the head, and oftentimes other parts, are destroyed. These taxidermists want to be able buy the heads or give customers a cost break if they are allowed to keep the head and other parts and only mount the fan and spurs. By allowing their sale, taxidermists can purchase heads from hunters and other sources legally.

The proposed changes to 312 IAC 9-4-11 will open turkey hunting in the spring season statewide by allowing turkey hunting in Henry County. The changes also prohibit the possession of a dog, domesticated animal, live decoy, recorded call, electronically powered or controlled decoy or bait while in the field hunting wild turkeys. The current rule only prohibits the use of them while hunting, and DNR conservation officers are unable to make a case when a hunter is simply caught in possession of one while in the field hunting turkeys. Additional changes clarify license requirements and clarify that a hunter who tags a turkey must include the name and license number of the person who killed the turkey (not someone else) on the tag, and the person who takes the turkey to the check station must give the check station operator true and accurate information about who killed the turkey. The Divisions of Fish and Wildlife and Law Enforcement support approval of all of these changes.

Attachment: Draft of Proposed Revised Administrative Rules

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #08-

Amends 312 IAC 9-2-3 that governs the sale of parts of wild turkeys. Amends 312 IAC 9-4-11 that governs the taking of wild turkeys. Effective 30 days after filing with the Publisher.

312 IAC 9-2-3
312 IAC 9-4-11

SECTION 1. 312 IAC 9-2-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-2-3 Application of article to wild animal parts

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 3. (a) Except as provided in subsection (b), a prohibition against the:

- (1) possession;
- (2) sale;
- (3) offer for sale;
- (4) purchase;
- (5) offer for purchase;
- (6) shipment;
- (7) transportation;
- (8) delivery; or
- (9) receipt;

of a wild animal also applies to any part or portion of that wild animal.

(b) The prohibition established under subsection (a) does not apply to the **following parts of wild animals taken lawfully**:

- (1) tanned hides;
- (2) ~~furs~~ **any portion of a furbearer; or**
- (3) squirrel tails;
- (4) cured feathers;
- (5) heads, feet and skin of wild turkeys;**
- (6) untanned deer hides;**
- (7) antlers; and**
- (8) hooves.**

~~of wild animals taken lawfully.~~

~~(c) Any portion of legally taken:~~

- ~~(1) furbearers;~~
- ~~(2) squirrel tails;~~
- ~~(3) deer hides;~~
- ~~(4) antlers; and~~
- ~~(5) hooves;~~

~~may be sold.~~ (Natural Resources Commission; 312 IAC 9-2-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2700; filed May 28, 1998, 5:14 p.m.: 21 IR 3712; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 2. 312 IAC 9-4-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-11 Wild turkeys

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11; IC 35-47-2

Sec. 11. (a) Except as provided in subsection (c), the spring season for hunting and possessing wild turkeys:

- (1) is from the first Wednesday after April 20; and
- (2) continues for an additional eighteen (18) consecutive days.

(b) The fall season for hunting and possessing wild turkeys with a bow and arrows:

- (1) is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday after October 14; and
- (2) continues for an additional four (4) consecutive days; except as provided in subsection (c).

(c) The spring and fall seasons for hunting and possessing wild turkeys on Camp Atterbury shall be determined by the director on an annual basis to prevent interference with military training exercises.

(d) The limit for taking and possessing is one (1):

- (1) bearded or male wild turkey during the spring season; and
- (2) wild turkey of either sex during the fall season.

(e) A person must not do the following:

(1) Hunt wild turkeys except between one-half (½) hour before sunrise and sunset.

(2) Take a wild turkey except with the use of one (1) of the following:

(A) A shotgun or muzzleloading shotgun:

- (i) not smaller than 20 gauge; and
- (ii) not larger than 10 gauge;
loaded only with shot of size 4, 5, 6, 7, or 7½.

(B) A bow and arrows, including crossbows as defined in 312 IAC 9-3-4(g), with the following restrictions:

(i) A person must not use a:

- (AA) long bow; or
- (BB) compound bow;
of less than thirty-five (35) pounds pull.

(ii) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

(iii) A person must not use a:

- (AA) crossbow of less than one hundred twenty-five (125) pounds pull;
- (BB) crossbow unless it has a mechanical safety; or
- (CC) poisoned or explosive arrow.

(iv) No portion of a bow's riser (handle) or:

- (AA) track;
- (BB) trough;
- (CC) channel;
- (DD) arrow rest; or
- (EE) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(v) Before or after lawful shooting hours, a person must not possess a:

- (AA) long bow;
- (BB) compound bow; or
- (CC) crossbow;

in the field if the nock of the arrow is placed on the bow string.

(3) Hunt wild turkeys in the:

~~(A) fall season except in a county the director designates on an annual basis by temporary rule; or~~
~~(B) spring season in Henry County.~~

(f) The special youth season for hunting wild turkeys under this subsection is two (2) consecutive days beginning on the Saturday immediately before the start of the spring turkey season in subsection (a). As used in this subsection, "youth" means an individual who is less than sixteen (16) years of age on the date of the hunt. A youth who hunts a wild turkey under this section must be accompanied by an adult who is at least eighteen (18) years of age. An adult accompanying a youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field. The seasonal limit for hunting turkeys under this subsection is one (1) bearded or male wild turkey. A youth hunter who takes a turkey under this subsection must not take another turkey during the spring turkey season in the same year.

(g) The use **or possession** of:

- (1) a dog;
- (2) another domesticated animal;
- (3) a live decoy;
- (4) a recorded call;
- (5) an electronically powered or controlled decoy; or
- (6) bait;

~~to take~~ **while hunting** a wild turkey is prohibited. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited that is attractive to wild turkeys resulting from normal agricultural practices.

(h) A person must not possess a handgun while hunting wild turkeys or while accompanying the youth hunter during the season established in subsection (f) unless the person possesses a handgun in accordance with IC 35-47 and:

- (1) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;
- (2) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b); or
- (3) is not required to possess a license to carry a handgun under IC 35-47-2-2.

(i) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt:

- (1) wild turkeys unless possessing a completed and signed license bearing the person's name; or
- (2) with a wild turkey license issued to another person.

(j) A person may take a wild turkey during the spring season established under subsection (a) only if:

(1) issued a license to hunt wild turkeys with a:

- (A) resident youth consolidated hunting license pursuant to IC 14-22-11-10(b);**
- (B) resident spring turkey license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(20);**
- (C) nonresident spring turkey license pursuant to IC 14-22-12-1(a)(21);**
- (D) resident youth consolidated hunting license pursuant to IC 14-22-12-1(a)(24);**
- (E) lifetime comprehensive hunting license pursuant to IC 14-22-12-7(a)(4);**

- (F) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5); or
- (G) an apprentice spring turkey hunting license pursuant to IC 14-22-12-1.7.
- (2) hunting with legal equipment under IC 14-22-11-1.

(k) A person may take a wild turkey during the fall season established under subsection (b) only if:

- (1) issued a license to hunt wild turkeys with a:
 - (A) resident youth consolidated hunting license pursuant to IC 14-22-11-10(b);
 - (B) resident fall turkey license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(22);
 - (C) nonresident fall turkey license pursuant to IC 14-22-12-1(a)(23);
 - (D) resident youth consolidated hunting license pursuant to IC 14-22-12-1(a)(24);
 - (E) lifetime comprehensive hunting license pursuant to IC 14-22-12-7(a)(4);
 - (F) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5); or
 - (G) an apprentice fall turkey hunting license pursuant to IC 14-22-12-1.7.
- (2) hunting with legal equipment under IC 14-22-11-1.

⌘ (l) A piece of paper must, immediately after taking a wild turkey:

- (1) be attached to a leg of the turkey directly above the spur; and
 - (2) state the:
 - (A) name and address of the person **who took the turkey**;
 - (B) license number (if applicable) **of the person who took the turkey**;
 - (C) date; and
 - (D) sex;
- of the wild turkey taken.

⌘ (m) A person who takes a turkey must do the following:

- (1) Cause delivery of the turkey to an official turkey checking station within forty-eight (48) hours of taking for registration **in the name of the person who took the wild turkey. The person who takes the turkey to the official turkey checking station must give the check station true and accurate information, including the name and license number of the person who took the turkey and the date the turkey was killed.** After the checking station operator:
 - (A) records the permanent seal number on the log; and
 - (B) collects the piece of paper described in subsection (j);the person is provided with that seal.
 - (2) Immediately and firmly affix the seal to the leg of the turkey as follows:
 - (A) Directly above the piece of paper described in subsection (j) for a turkey taken during the spring season.
 - (B) Through a section of skin or flesh to prevent its removal (without cutting the seal or the body part to which it is affixed) for a turkey taken in the fall season.
- The permanent seal must remain affixed until processing of the turkey begins. The official turkey checking station operator shall accurately and legibly complete all forms provided by the department and make those forms available to department personnel on request.

⌘ (n) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken.

(Natural Resources Commission; 312 IAC 9-4-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541; filed May 25, 2005, 10:15 a.m.: 28 IR 2946; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA)